

## **REMARKS**

### **I. INTRODUCTORY REMARKS**

The Applicant thanks the Examiner for the careful consideration of this application. The Office Action dated April 6, 2009 has been received and its contents carefully considered. Applicant amends claims 1, 8, 21, and 60 to incorporate features of claims 7, 12, 59, 67-68, 70, and 87. Accordingly, claims 7, 12, 59, 67-68, 70, and 87 are herewith cancelled. Claims 1, 8, 21, and 60 are the independent claims. Applicant amends dependent claims 4-6, 11, 13, 15-17, 23-25, 30, 34-35, 37, 51-52, 56, 58, 62, 65, 69, 71-73, 77, 79 in accordance with the amendments to the respective independent claims. Claims 1-6, 8-11, 13-58, 60-66, 69, 71-86 are currently pending in this application. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### **II. AMENDMENT TO THE ABSTRACT**

On page 2 of the Action, the Abstract is objected to for having extra characters. Applicant amends the Abstract in accordance with the amendments to the claims and to remove any extra characters. A clean copy of the Abstract is attached. Applicant respectfully requests the objection to the Abstract be withdrawn.

**III. CLAIM REJECTIONS UNDER 35 U.S.C §112**

On page 2 of the Office Action, claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Action provides that claim 5 recites the limitation of the first part of the plurality of primary base station and the second part of the plurality of base station without defining the first and second part of the base station. Applicant amends claim 5 to recite "wherein a first number of primary base stations is located in a first premises and a second number of primary base stations is located in a second premises." With this amendment, Applicant asserts that claim 5 has proper antecedent basis. Applicant respectfully requests this rejection to be withdrawn.

In view of the above, it is believed that claim 5, as amended, is clear and definite within the meaning of 35 U.S.C. § 112, second paragraph. The Applicant therefore respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

**VI. ALLOWABLE SUBJECT MATTER**

On page 9, the Office Action indicates that claims 8-10, 12-16, 21-29, 70-75 are objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant herewith incorporates the base claims of the dependent claims into the dependent claims.

The subject matter of original dependent claims 7 and 12 has been introduced in claim 1. Accordingly, Applicant cancels claims 7 and 12.

The subject matter of original claims 1 and 7 has been introduced in claim 8.

The subject matter of original claims 1 and 7 has been introduced in claim 21.

The subject matter of dependent claims 67, 68 and 70 has been introduced in claim 60. Accordingly, claims 67, 68, and 70 are herewith cancelled.

Applicant respectfully submits that claims 1-6, 8-11, 13-58, 60-66, 69, 71-86 are now in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the objection in view of the foregoing amendments and remarks.

**V. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(B)**

On page 2, the Office Action rejects claims 1-7, 37-39, 58, 60, 62-69, 76-87 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,742,237 to Bledsoe.

Applicant cancels claims 7, 67, 68, and 87 and regards the 102(b) rejection to these claims as moot. Applicant amends the other rejected claims to incorporate the allowable subject matter as indicated by the Action. Accordingly, Applicant requests reconsideration and withdrawal of the 102(b) rejection to claims 1-6, 37-39, 58, 60, 62-66, 69, and 76-86.

**VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(A)**

Beginning on page 4 of the Office Action, claims 11, 17-23, 38-39, 40-57, 59, and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Bledsoe, Carsten et al (U.S. Patent 3898619), Joao (U.S. Patent

6542076), Sato et al (U.S. Patent 5210785), Katz et al (U.S. Patent 4816824), Cohn (U.S. Patent 4351548), Brick et al/ (U.S. Patent 6269342), Hughes et al (U.S. Patent 5920261), Caswell et al (U.S. Patent 4636950), Verma et al (U.S. Patent 5528232), and Tuttle et al (U.S. Patent 6097301).

Applicant amends the rejected claims to incorporate the allowable subject matter as indicated by the Action. Accordingly, Applicant requests reconsideration and withdrawal of the 103(a) rejection to claims 11, 17-23, 38-39, 40-57, 59, and 61. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

## **VII. CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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